

Mark C. Mao, CA Bar No. 236165
 Beko Reblitz-Richardson, CA Bar No. 238027
BOIES SCHILLER FLEXNER LLP
 44 Montgomery St., 41st Floor
 San Francisco, CA 94104
 Tel.: (415) 293-6800
 mmao@bsfllp.com
 brichardson@bsfllp.com

James Lee (admitted *pro hac vice*)
 Rossana Baeza (admitted *pro hac vice*)
BOIES SCHILLER FLEXNER LLP
 100 SE 2nd St., 28th Floor
 Miami, FL 33131
 Tel.: (305) 539-8400
 jlee@bsfllp.com
 rbaeza@bsfllp.com

Amanda K. Bonn, CA Bar No. 270891
SUSMAN GODFREY L.L.P.
 1900 Avenue of the Stars, Suite 1400
 Los Angeles, CA 90067
 Tel: (310) 789-3100
 Fax: (310) 789-3150
 abonnn@susmangodfrey.com

Attorneys for Plaintiffs

William Christopher Carmody
 (admitted *pro hac vice*)
 Shawn J. Rabin (admitted *pro hac vice*)
 Steven M. Shepard (admitted *pro hac vice*)
 Alexander Frawley (admitted *pro hac vice*)
SUSMAN GODFREY L.L.P.
 1301 Avenue of the Americas,
 32nd Floor
 New York, NY 10019
 Tel.: (212) 336-8330
 bcarmody@susmangodfrey.com
 srabin@susmangodfrey.com
 sshepard@susmangodfrey.com
 afrawley@susmangodfrey.com

John A. Yanchunis (admitted *pro hac vice*)
 Ryan J. McGee (admitted *pro hac vice*)
MORGAN & MORGAN
 201 N. Franklin Street, 7th Floor
 Tampa, FL 33602
 Tel.: (813) 223-5505
 jyanchunis@forthepeople.com
 rmcgee@forthepeople.com

Michael F. Ram, CA Bar No. 104805
MORGAN & MORGAN
 711 Van Ness Ave, Suite 500
 San Francisco, CA 94102
 Tel: (415) 358-6913
 mram@forthepeople.com

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
 JEREMY DAVIS, CHRISTOPHER
 CASTILLO, and MONIQUE TRUJILLO
 individually and on behalf of all other
 similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No.: 5:20-cv-03664-LHK-SVK

**PLAINTIFFS' [PROPOSED] ORDER
 REGARDING PLAINTIFFS'
 OBJECTIONS TO SPECIAL MASTER'S
 REPORT AND ORDERS ON REFERRED
 DISCOVERY DISPUTES (DKT. 299)**

The Honorable Susan van Keulen
 Date: November 4, 2021
 Time: 10:00 a.m.
 Courtroom 6 - 4th Floor

Before the Court is the Special Master's Report and Orders on Referred Discovery Issues (Dkt. 299) ("Special Master's Report"), as well as the parties' separately filed objections to the Special Master's Report, each filed on October 27, 2021. Having considered the Special Master's Report, and the parties' objections thereto, the Court **ADOPTS** the following aspects of Plaintiffs' Objections.

P3 Dispute

Step 1 of the Court's September 16 Order

1. Google shall supplement its response to Step 1 of the Court's September 16 Order (Dkt. 273), which required Google to identify "all databases and data logs (collectively, 'data sources') that may contain responsive information." This supplement should identify all data sources, whether classified by Google as "authenticated" or "unauthenticated," that would include any information collected from any private browsing activities. Google, for example, may not exclude what it classifies as data sources containing only "authenticated" data, nor any data sources related to Search.

Rule 30(b)(6) Deposition

2. Within two weeks of this Order, Google shall produce for testimony an adequately prepared and knowledgeable witness or witnesses designated for Topics 1 through 6 of Plaintiffs' April 27, 2021, Rule 30(b)(6) Deposition Notice. The testimony shall not be limited to Google Analytics and Google Ad Manager; the witness or witnesses shall be prepared to testify about all aspects of Google's logs, databases, storage systems, and data structures containing Plaintiffs' and Class Members' data. The witness or witnesses shall also be prepared to testify about the search tool shown in GOOG-BRWN-00028920. The witness or witnesses shall also be prepared to testify about Topic 5 (Google's preservation of the logs, databases, storage systems, and data structures containing Plaintiffs' and Class Members' data). This deposition shall not count against Plaintiffs' 20-deposition limit. The deposition shall take place before

1 Plaintiffs are required to propose search criteria for the [REDACTED] that the
 2 Special Master's Report requires Google to run.

3 Cleanroom Access to Internal Google Data Querying Tools

- 4 3. Within two weeks of this Order, Google shall permit Plaintiffs' attorneys and experts
 5 five full days of onsite access to a cleanroom in which Plaintiffs' attorneys and experts
 6 will be permitted to access and use the [REDACTED] described
 7 in the P3 portion of Exhibit A to the Special Master's Report.
- 8 4. Google will make these tools available at a location of Google's choosing. Google and
 9 the Special Master may supervise Plaintiffs' attorneys and experts' access to and use
 10 of these tools. This access will be provided before Plaintiffs are required to propose
 11 search criteria for the [REDACTED] that the Special Master's Report requires
 12 Google to run.
- 13 5. Consistent with the Special Master's Report, within one week of this Order, Google
 14 will provide Plaintiffs' attorneys and experts with documents sufficient to guide their
 15 use of the tools, including [REDACTED] and a list of [REDACTED]
 16 for each data source, as well as [REDACTED] Special
 17 Master's Report, Ex. A.

18 Source Code

- 19 6. Within two weeks of this Order, Google shall produce to Plaintiffs all nonpublic source
 20 code associated with the following Google tools and processes, as well as any similar
 21 processes or tools:

22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]
 26 [REDACTED]
 27 [REDACTED]

1 [REDACTED]
 2 [REDACTED] (the portion of the code showing how these identifiers
 3 are derived)

- 4 • Incognito, Analytics, and Ad Manager (the portion of the code relating to
 5 Google's collection of private browsing data, and the transmission of that data
 6 to Google).

7 **P6 and P16 Disputes**

- 8 7. Within one week of this Order, Google shall produce a random sample of 1,000
 9 complete records [REDACTED] (i.e.,
 10 from a Chrome browser) but no X-Client-Data header.
- 11 8. Within one week of this Order, Google shall produce a random sample of 100 complete
 12 records from each of the [REDACTED]
 13 [REDACTED]
- 14 9. Within three weeks of this Order, the parties shall provide an update to the Court
 15 regarding these productions and their proposed next steps, including the extent to which
 16 Plaintiffs seek any relief based on the timing and completeness of Google's
 17 productions, including relief in connection with class certification.

18
 19 **IT IS SO ORDERED.**

20
 21 DATED: _____

22 _____
 23 Honorable Susan van Keulen
 24 United States Magistrate Judge
 25
 26
 27
 28